

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SIDNEY T. LEWIS et al.,

Plaintiffs,

v.

**NORTH AMERICAN
SPECIALTY INS. CO., et al.,**

Defendants.

Case No. 2:09-cv-238

JUDGE GREGORY L. FROST

Magistrate Judge Norah McCann King

ORDER

This matter is before the Court for consideration of Plaintiffs' April 6, 2009 motion for reconsideration. (Doc. # 6.) In this motion, Plaintiffs argue that this Court erred in its April 1, 2009 Opinion and Order in which the Court dismissed the captioned case as a result of abstention predicated on application of *Younger v. Harris*, 401 U.S. 37 (1971). The Court finds the motion not well taken.

The basis for Plaintiffs' reliance on several of the federal rules and statutes they cite as supporting reconsideration is unclear. To the extent that this Court can construe Plaintiffs' often confusing arguments for reconsideration, it appears that Plaintiffs are generally reasserting arguments that this Court has already considered and rejected. Plaintiffs also appear to make arguments that misunderstand this Court's reasoning. For example, this Court did not hold that it lacked jurisdiction as a result of "defective waivers and notices" as Plaintiffs contend, but because there is an ongoing state proceeding with which *Younger* teaches the Court should not interfere. (Doc. # 6, at 2.) The alleged insufficiency of service involved in the state court

proceeding is a matter to be addressed in that proceeding. Similarly, Plaintiffs' challenge to Ohio Rev. Code § 2323.52 is a matter to be addressed in the state forum given that it appears to be wholly intertwined with their theory of the case in the state court.

The Court therefore **DENIES** Plaintiffs' motion for reconsideration. (Doc. # 6.)

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE